

## **MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION**

**Date of Meeting: June 15, 2016**

### **I. CALL MEETING TO ORDER**

The meeting was called to order at 7:03 P.M.

### **II. ROLL CALL**

Members Present: Ken Baptiste, Chairman  
Sandy Slavin  
Joe Leggett  
Mark Carboni  
Jim Smith  
Elizabeth Lydon  
Mary Taggart, Associate Member  
Dave Pichette, Conservation Agent

Member Absent: Elissa Heard

### **III. PRELIMINARY BUSINESS**

#### **A. Approve meeting minutes: December 2, 2015**

**MOTION: Mr. Leggett moved to approve the meeting minutes of December 2, 2015. Ms. Slavin seconded.**

**VOTE: (4-0-2)**

### **IV. PUBLIC HEARINGS**

#### **A. RDA – Wayne MacLean**

Present before the Commission: Wayne MacLean

The public hearing notice was read into the record.

The applicant is requesting to reconstruct an existing porch within a coastal flood zone and within a buffer zone to a coastal beach at 30 North Boulevard. The existing 8'x15' porch will be constructed in the same footprint. New sono tube footings will be installed. All work is to be done by hand. Mr. Pichette recommended the approval of the project with a Negative #2 Determination. Ms. Slavin asked what will happen to the cement blocks under the porch. Mr. MacLean replied they will be disposed of offsite.

**MOTION: Ms. Slavin moved to close the public hearing for Wayne MacLean. Mr. Carboni seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative #2 Determination for Wayne MacLean. Mr. Carboni seconded.**

**VOTE: (6-0-0)**

**B. NOI – Town of Wareham/Municipal Maintenance, c/o G.A.F. Engineering, Inc.**

Present before the Commission:      Dave Menard, Municipal Maintenance Director  
    Bob Rogers, G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

The applicant is requesting to re-pave and create improvements in the buffer zone to a coastal bank, coastal beach, and partially within a coastal flood zone at Ocean Avenue and the Stonebridge area. The applicant is proposing to reconstruct Ocean Avenue and to re-design the stormwater system in the roadway within the roadway and portions of Onset Ave., East Boulevard, and Hotel Street. The proposal would be to reconstruct and repave Ocean Avenue and portions of the other streets and further, to redirect stormwater runoff to a different discharge point while abandoning two existing discharge points. Currently, stormwater is going out of different outfall pipes. In the new design, these pipes will be cut off and abandoned and runoff will be directed to a new outfall pipe. In the new design water will be directed to a leeching galley structure that would be installed in the coastal bank area at the southwest corner of the bridge. An existing stone retaining wall adjacent to where the structure will be installed is also to be reconstructed. Water will fill up the structure in a storm event and excess water will flow into grates on the top of the structure, over the retaining wall, and down onto the beach area and East River. The new stormwater system will have a stormwater treatment structure inside system, upstream of the fallout point. Mr. Pichette recommended a continuance of the hearing to review plans that have been presented at this hearing.

**MOTION: Mr. Leggett moved to close the public hearing for the Town of Wareham/Municipal Maintenance. Ms. Slavin seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions for the Town of Wareham/Municipal Maintenance. Mr. Leggett seconded.**

**VOTE: (5-1-0)**

**C. NOI – Stephen Pratt**

Present before the Commission: No one was present.

The public hearing notice was read into the record.

It was stated the applicant has requested a continuance to July 6, 2016.

**MOTION: Mr. Carboni moved to continue the public hearing for Stephen Pratt to July 6, 2016. Ms. Slavin seconded.**

**VOTE: (6-0-0)**

**D. NOI – James Wood, c/o G.A.F. Engineering, Inc.**

Present before the Commission: Brian Grady, G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

The applicant is proposing to construct a pier, ramp and float system in land under the ocean, land containing shellfish, on a coastal beach, within a salt marsh and within a coastal flood zone at 24 Pine Tree Drive. A 149' pier, ramp and float are proposed. 18 12" pilings would need to be installed. There would be 24" of water at low tide where the float is proposed to be located. Pilings would be installed using a floating barge. This construction would have to be done at high tide. A letter from MA Division of Marine Fisheries was received stating this was a mapped area for bay scallops, soft shell clams and quahogs. They also commented they would like to see a 30" separation between the float and the bottom instead of 24". A DEP File # has been received, but comments from the Harbormaster have not yet been received. Mr. Pichette recommended a continuance until the Commission hears from the Harbormaster.

Mr. Grady stated they would like to make a slight change to be shown on a revised plan. The change would be of the dock shifting 10'. Mr. Leggett asked if a float stop could be added to create the 30" of space requested by the MA Division of Marine Fisheries.

**MOTION: Ms. Slavin moved to continue the public hearing for James Wood to July 6, 2016. Ms. Lydon seconded.**

**VOTE: (6-0-0)**

**E. Keith Amado, c/o G.A.F. Engineering, Inc.**

Present before the Commission:

The public hearing notice was read into the record.

The applicant is requesting to tear down an existing building and re-build a new building in a buffer zone to a coastal bank at 312 Onset Avenue. There are currently two buildings on the lot. The 30'x13' dwelling is to be removed and replaced in the same footprint with an addition of 13'x24'. A portion of the dwelling to be removed is within 30' of the coastal bank, the remainder is outside of the no activity zone, including the proposed addition. The existing dwelling is approximately 11' from the top of the coastal bank. Mr. Pichette stated the presented plan doesn't clearly show the building to be taken down and replaced. Silt fence is shown between the buffer zone and the work area. He suggested hay bales and silt fence. No grade changes are proposed on the plan.

Mr. Pichette asked if a zoning filing has been made at this time. A DEP File # has been received. Mr. Pichette stated a zoning determination needs to be made before an Order of Conditions can be issued. He recommended continuing the public hearing until a zoning determination has been made.

**MOTION: Ms. Slavin moved to continue the public hearing for Keith Amado to July 6, 2016. Mr. Leggett seconded.**

**VOTE: (6-0-0)**

**V. CONTINUED PUBLIC HEARINGS**

**A. RDA – TEC Associates**

Present before the Commission: No one is present at this time.

It was stated the applicant had expressed that they may not be present, but requested the Commission review the project in their absence.

The application is submitted by Mass Coastal Railroad requesting the Conservation Commission approve their wetland boundaries for the railroad through Wareham. They request this every three years so they know where they can spray herbicides. Mr. Pichette did make a site visit along the rail line, made changes, and he recommended their wetland line be approved as shown.

**MOTION: Ms. Slavin moved to close the public hearing for TEC Associates. Mr. Carboni seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative #5 Determination for TEC Associates. Ms. Lydon seconded.**

**VOTE: (6-0-0)**

**B. RDA – Jessica Roderick, c/o Robert Kuklinski**

Present before the Commission: Nancy Roderick, Applicant's mother

The applicant is requesting to expand a parking area in the buffer zone to a coastal bank at 28 East Boulevard. This is an after-the-fact filing that involved excavating into a slope to expand the parking area, the removal of an existing wall, removal of soils, and construction of a new timber wall. The coastal bank was not disturbed. This meeting was continued due to non-notification of abutters. Mr. Pichette recommended the approval with a Negative #3 Determination.

Present before the Commission: Steve \_\_\_\_\_, Abutter

The abutter stated the wall is over four feet and does not meet State standards. Mr. Baptiste feels this is an issue for the Building Inspector. The applicant stated the Building Inspector had been to the site, but indicated a building permit was not required.

**MOTION: Ms. Slavin moved to close the public hearing for Jessica Roderick. Ms. Lydon seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to grant a Negative #3 Determination for Jessica Roderick. Ms. Lydon seconded.**

**VOTE: (6-0-0)**

**C. ANRAD– Kevin Oliveira, c/o G.A.F. Engineering, Inc. – SE76-2386**

Present before the Commission: Bob Rogers, G.A.F. Engineering, Inc.

The applicant is requesting an approval of the wetland delineation. Mr. Pichette had previously met with Mr. Rogers and had requested changes in the wetland line, which have been made. Mr. Pichette recommended the approval of the wetland boundary. Abutters have not been notified. The hearing needs to be continued in order to notify abutters.

**MOTION: Ms. Slavin moved to continue the public hearing for Kevin Oliveira July 6, 2016. Mr. Leggett seconded.**

**VOTE: (6-0-0)**

**D. Amended OOC– Pine Grove Estates, c/o JC Engineering, Inc. – 9 Jonathan Lane – SE76-2337**

Present before the Commission: Mr. Miller, JC Engineering, Inc.

An Order of Conditions was issued to construct a single family house in the buffer zone to a wetland at 9 Jonathan Lane. The applicant is coming in with a revised plan with a different layout and shape for the house. The work limit is unchanged from what was previously approved. The walkway and proposed driveway are as shown on the revised plan. Mr. Pichette recommended the approval of the plan as presented since the limit of work is unchanged.

**MOTION: Ms. Slavin moved to close the public hearing for Pine Grove Estates (9 Jonathan Lane). Ms. Lydon seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Amended Order of Conditions for Pine Grove Estates (9 Jonathan Lane). Ms. Lydon seconded.**

**VOTE: (6-0-0)**

**E. Amended OOC– Pine Grove Estates, c/o JC Engineering, Inc. – 10 Jonathan Lane – SE76-2337**

Present before the Commission: Mr. Miller, JC Engineering, Inc.

The applicant is requesting to amend a previously approved Order of Conditions at 10 Jonathan Lane. The limit of work is the same as the previously approved plan. Mr. Pichette recommended the approval of an Amended Order of Conditions.

**MOTION: Ms. Slavin moved to close the public hearing for Pine Grove Estates (10 Jonathan Lane). Mr. Smith seconded.**

**VOTE: (6-0-0)**

**MOTION: Ms. Slavin moved to grant an Amended Order of Conditions for Pine Grove Estates (10 Jonathan Lane). Mr. Carboni seconded.**

**VOTE: (6-0-0)**

**NOTE: MR. Carboni departed at this time - 8:25 P.M.**

**F. NOI – J. Donegan Company/Jay Donegan, c/o Bohler Engineering – SE76-2385**

Present before the Commission: No one was present

The applicant has requested a continuance to July 20, 2016.

**MOTION: Ms. Slavin moved to continue the public hearing for J. Donegan Company to July 20, 2017. Ms. Lydon seconded.**

**VOTE: (5-0-0)**

**G. NOI – Richard & Debra Beaulieu, c/o G.A.F. Engineering, Inc.**

Present before the Commission: Robert \_\_\_\_\_, Abutter

The applicant has requested a continuance.

The abutter expressed concern re: he is losing approx.. 5500 s.f. of harvest space for oysters. He stated he would lose 1,008 oysters that he would not be able to plant based on the square feet (20 oyster seeds per square foot). He stated the shellfish grant is 13 acres, but less than three of them are suitable for growing oysters. Mr. Pichette stated at this time, he has not yet received comments from the Harbormaster, which is relevant to the decision of this matter.

**MOTION: Ms. Slavin moved to continue the public hearing for Richard & Debra Beaulieu to July 6, 2016. Mr. Leggett seconded.**

**VOTE: (5-0-0)**

**H. NOI – Colin & Ann McNay, c/o N. Douglas Schneider & Associates, Inc. – SE76-2387**

Present before the Commission: Representative, Douglas Schneider & Associates  
Mr. Briggs, Contractor

The applicant is requesting to reconstruct an existing pier and concrete patio in a buffer zone to a coastal bank and within a coastal flood zone at 31 Warren Point Road. The existing pier supported by concrete stanchions and is to be replaced in a similar fashion, but the concrete stanchions will be replaced by granite block. The new granite block supports will be approximately 8'x8' in size. It is proposed to create a granite ramp parallel to the pier for construction and wooden mats to allow machinery to drive equipment to the pier. The granite ramp is to be placed on the bottom of the beach and built up to the desired height. The meeting was previously continued due to not having comments from the Harbormaster. The letter has since been received and the Harbormaster has no concerns with the project. A DEP File # has been issued.

**MOTION: Ms. Slavin moved to close the public hearing for Colin & Ann McNay. Ms. Lydon seconded.**

**VOTE: (5-0-0)**

**MOTION: Ms. Slavin moved to grant an Order of Conditions for Colin & Ann McKay. Ms. Lydon seconded.**

**VOTE: (5-0-0)**

**VI. EXTENSION REQUESTS**

**VII. ENFORCEMENT ORDERS**

**VIII. CERTIFICATES OF COMPLIANCE**

**A. Peter Benedict – 6 Point Road**

**MOTION:** Ms. Slavin moved to grant a Certificate of Compliance for Peter Benedict. Mr. Leggett seconded.

**VOTE: (5-0-0)**

**B. Maplewood Builders – Lot BD2 – Brittany Drive**

The Commission had approved the construction of a single family home with a 50' setback to wetlands. Work was done in the 50' no activity zone and not completed to conformance. Mr. Pichette recommended the work done in that area be relocated so the conditions initially imposed can be met.

**MOTION:** Ms. Lydon moved to continue the Certificate of Compliance for Maplewood Builders until comments are received from Natural Heritage. Ms. Slavin seconded.

**VOTE: (5-0-0)**

**IX. ANY OTHER BUSINESS/DISCUSSION**

**A. Discussion: Alan Decker – Buzzards Bay Coalition**

Mr. Decker showed proposals for Conservation Restrictions for property currently owned by Mr. John Decas.

Mr. Decker is hoping the Commission will sign the Municipal Certification that needs to be submitted to the Board of Selectmen. He stated these two properties about a 15-acre existing Conservation Restriction. Mr. Pichette requested some language be added that construction, re-building, or maintenance of the pier be subject to all other applicable permits for such an activity

**MOTION:** Ms. Slavin moved to recommend support and for the Commission to sign Municipal Certification #31 & #32. Ms. Lydon seconded.

**VOTE: (5-0-0)**



**B. Discussion: Conservation Restriction/Stewardship**

**C. Discussion: Bills**

**D. Discussion: Appointments**

**MOTION: Mr. Baptiste moved to appoint Elissa Heard as a voting member for three years and appoint Don Rogers to an Associate Member.**

**VOTE: (5-0-0)**

**X. ADJOURNMENT**

**MOTION: Ms. Slavin moved to adjourn the meeting at 9:12 P.M. Mr. Smith seconded.**

**VOTE: (5-0-0)**

Date signed: \_\_\_\_\_

Attest: \_\_\_\_\_

Ken Baptiste, Chairman  
CONSERVATION COMMISSION

Date copy sent to Town Clerk: \_\_\_\_\_